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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/670,530	IWASAKI ET AL.	
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to the Reply communication filed 10/30/2007. Claimed priority is granted from foreign application No: 2002-283681 with a priority date of 09/27/2002.

Information Disclosure Statement

1. The references listed on the Information Disclosure Statement submitted on 09/26/2003 have been previously considered by the examiner.

Response to Amendment/Arguments

2. In the claims, claims 1, 2, 8, 9, 13, and 16-21 have been amended. No claim has been cancelled herein. Claims 1-21 represent a method and apparatus for an "CONTENT-TRANSMITTING APPARATUS, CONTENT-RECEIVING APPARATUS, CONTENT TRANSMITTING/RECEIVING SYSTEM, METHODS, AND RECORDING MEDIUM THEREOF."

Applicant's arguments with respect to claims the independent claims have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the new ground of rejection as explained here below. Applicants' amendments to the independent claims are not properly made and as to perhaps place them in condition for allowance.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

Applicant's Request for Reconsideration filed on 10/30/2007 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main point of contention:

The Applicants maintain that the cited prior art fails to disclose or suggest a content-transmitting and receiving apparatus that includes the "non-volatile recording medium" recited in claim 1. That is, the cited prior art fails to disclose or suggest a non-volatile recording medium configured to store data related to the content, ID information related to the content, information indicating a position of the data stored on the non-volatile recording medium, and reproduction control information related to the content.

It is the position of the Examiner that Majima in detail teaches the above mentioned limitations found in all the independent claims as amended. However, in view of Applicant's remarks and amendment, new patent of Sakuramoto in combination with Majma teaches the invention as amended. Specifically Sakuramoto teaches a system comprising "a non-volatile recording medium configured to store data related to the content, ID information related to the content, information indicating a position of the data stored on the non-volatile recording medium, and reproduction control information

related to the content " (see Sakuramoto; par. 0034, 0134, and 0184). Proper motivation and reason to combine are provided (see rejection of claim 1 below).

Examiner notes that applicant has failed in presenting claims and drawings that delineate the contours of this invention as compared to the cited prior art. Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 103(a) rejections applied against the claims, the rejection is therefore sustained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1- 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Majima et al (Majima), Patent No. 6,979,769 B1 in view of Sakuramoto, U.S. Pub. No. 2002/0126992 BA1.

Regarding **claim 1**, Majima discloses a content-transmitting apparatus operable to transmit a content to a content-receiving apparatus via a network (*see fig. 1, item 1a; fig. 11*, fig. 19, and fig. 39), the content-transmitting apparatus comprising:

a transmitting side control unit operable to transmit ~~reproduction control information~~ to the content-receiving apparatus (*column 11, lines 56-63; the transmitting*

side server is operable for content-controlled transmission via the Internet network, an inherently contains a control unit),

wherein the reproduction control information includes reproduction control information ~~regarding~~ related to a content that has been previously transmitted to the content-receiving apparatus before the transmission ~~time~~ of the reproduction control information (*column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information*).

~~wherein~~ said transmitting side control unit is operable to omit transmission of the content that has been transmitted to the content-receiving apparatus before the transmission ~~time~~ of the reproduction control information (*column 3, lines 33-50; sending only the time information the second time around means omitting transmission of the content while transmitting the reproduction data*) and

~~wherein~~ said transmitting side control unit is operable to transmit the reproduction control information ~~regarding~~ related to the content that has been previously transmitted to the content-receiving apparatus (*column 3, lines 33-50; the time information of the second data is related to the first data as the second data is a repetition of the first*).

Although Majima discloses substantial features of the claimed invention, Majima does not distinctly teach the steps below as amended in the reply dated reply dated 10/30/2007. These steps require obvious modifications of Majima as evidenced by Judge:

a non-volatile recording medium configured to store data related to the content, ID intbmlation related to the content, infonnation indicating a position of the data stored on said non-volatile recording medium, and reproduction control information related to the content; and a transmitting side control unit operable to transmit ~~reproduction control information~~ the data related to the content, the ID information related to the content, and the reproduction control information related to the content to the content-receiving apparatus (see analogous art of Sakuramoto; par. 0034, 0134, and 0184).

Given these features, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Majima to employ the features shown by Sakuramoto in order to facilitate the reproduction and control of information stored in a reproduction apparatus recording system, thereby guaranteeing the continuous reproduction of data in spite of interruption of the power source(see Sakuramoto, par. 0010, and 0023). By this rationale, claim 1 is rejected.

2. A content-transmitting apparatus as recited in claim 1, wherein said transmitting side control unit is operable to transmit content that has not been transmitted to the content-receiving apparatus before the transmission time of the reproduction control

information, when the reproduction control information includes information ~~regarding~~ related the content that has not been transmitted to the content-receiving apparatus (see Majima; *column 2, lines 54-59; one feature of this reference is to provide data reproduction suited Karaoke communications; it is important to note that Karaoke data include both repetitive and non-repetitive data, and it is understood that this claim pertains to the later*).

3. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes TV channel information to reproduce the content (see Majima; *column 26, lines 1-7*).

4. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes ID information of a content to be deleted. (see Majima; *Majima column 7, lines 7-15 discloses a file header containing content format information that include identifiers representing data attributes. Specifically, the "id" identifier represents a data number. Furthermore, fig. 37, the receiving apparatus, item 50 contains a clear key, item 37, that is operable within "erase displayed content and the like" [see column 23, lines 4-6]; Inherently, the clear key can be used in connection with the data id to erase displayed data. In fact, all cellular telephone as the one described in fig. 37 contains a delete function for the purpose of deleting information reproduced within the device*).

5. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes order of reproduction of the content (see Majima; *see fig. 8 reproduction data arrangement*).

6. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes a reproduction section of the content (see Majima; *fig. 1, items 11, 11a, 12, 13, and 14*).

7. A content-transmitting apparatus as recited in claim 1, wherein the reproduction control information includes a reproduction date of the content (see Majima; *fig. 36*).

8. A content-receiving apparatus operable to receive a content via a network (see Majima; *fig 1, 19, and 39*), comprising:

a receiving side control unit operable to receive ~~reproduction control information~~ data related to the content, ID infomation related to the content, and reproduction control information related to the content; and

a receiving side recording unit ~~operable to record the content~~ including a non-volatile recording medium configured to store data related to the content, liD information related to the content, information indicating a position of the data stored on said non-volatile recording, medium, and reproduction control information related to the content (see analogous art of Sakuramoto; par. 0034, 0134, and 0184),

wherein the reproduction control information includes reproduction control information regarding a content that has been received before transmission ~~time~~ of the reproduction control information (see Majima; *column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information)*, and

~~wherein~~ said receiving side control unit is operable to reproduce at least one of the content and a processed content of the content, according to the reproduction control information received by said receiving side control unit (see Majima; *column 3, lines 33-50; fig. 24a-b; fig. 7)*.

9. A content-receiving apparatus as recited in claim 8, wherein, when the content has been recorded by said receiving side recording unit before the transmission ~~time~~, said receiving side control unit is operable to reproduce at least one of the content recorded by said receiving side recording unit and a processed content of the content recorded by said receiving side recording unit, and wherein, when the content is attached to the reproduction control information received by said receiving side control unit, said receiving side control unit is operable to reproduce at least one of the content attached to the reproduction control information received by said

receiving side control unit and a processed content of the attached content (see Majima; *fig. 19, buffers 3a, and 7-10; and reproduction sections 11-14; column 5, lines 55-67, continue in column 6, lines 1-29*).

10. A content-receiving apparatus as recited in claim 8, wherein the content-receiving apparatus further comprises a receiving side input unit operable to receive changing operation for TV channels, and wherein said receiving control unit is operable to reproduce the content based on the changing operation for the TV channels (see Majima; *column 26, lines 1-7*).

11. A content-receiving apparatus as recited in claim 10, wherein the reproduction control information includes TV channel information to reproduce the content (see Majima; *column 26, lines 1-7*).

12. A content-receiving apparatus as recited in claim 8, wherein, when said receiving side control unit receives the reproduction control information including ID information of a content to be deleted, said receiving side control unit is operable to delete the content indicated by the ID information of the content to be deleted from said receiving side recording unit (see Majima; *Majima column 7, lines 7-15 discloses a file header containing content format information that includes identifiers representing data attributes. Specifically, the "id" identifier represents a data number. Furthermore, fig. 37, the receiving apparatus, item 50 contains a clear key,*

item 37, that is operable within "erase displayed content and the like" [see column 23, lines 4-6]; Inherently, the clear key can be used in connection with the data id to erase displayed data. In fact, all cellular telephones as the one described in fig. 37 contains a delete function for the purpose of deleting information reproduced within the device).

13. A content-receiving apparatus as recited in claim 8, wherein the reproduction control information includes order of reproduction of the content, and wherein said receiving side control unit is operable to reproduce the content according to the order of reproduction of the content (see Majima; *see fig. 8 reproduction data arrangement*).

14. A content-receiving apparatus as recited in claim 8, wherein the reproduction control information includes a reproduction section of the content, and wherein said receiving side control unit is operable to reproduce the content according to the reproduction section of the content (see Majima; *fig. 1, items 11, 11a, 12, 13, and 14*).

15. A content-receiving apparatus as recited in claim 8, wherein the reproduction control information includes a reproduction date of the content, and wherein said receiving side control unit is operable to reproduce the content according to the reproduction date of the content (see Majima; *fig. 36*).

16. A content transmitting/receiving system (see Majima; *see fig. 1, item 1a; fig. 11; 19, and 39*), comprising:

a content-transmitting apparatus comprising a transmitting side recording unit (see Majima; *see fig. 1, item 1a; fig. 11; 19, and 39*) including a first non-volatile recording medium configured to store data related to the content, ID inlbrmation related to the content, information indicating a position of the data stored on said first non-volatile recording medium, and reproduction control information related to the content (see Sakuramoto; par. 0034, 0134, and 0184);

a content-receiving apparatus operable to connect to said content-transmitting apparatus via a network to receive a content from said content-transmitting apparatus (see Majima; *fig. 1; column 5, lines 55-66*); and

a display apparatus operable to connect to said content-receiving apparatus to display a content that is reproduced by said content-receiving apparatus (see Majima; *column 1, item 20*), wherein said content-receiving apparatus comprises:

a receiving side input unit operable to receive an input from a user (see Majima; *fig. 37, item 50; column 22, lines 37-53*);

a receiving side recording unit ~~operable to record information~~ (see Majima; fig. 1, item 3a; *column 5, lines 55-66*) including a second non\-volatile recording medium configured to store data related to the content, ID information related to the content,

information indicating a position of the data stored on said second non-volatile recording medium, and reproduction control information related to the content,

received from said content-transmitting apparatus (see Sakuramoto; par. 0034, 0134, and 0184); and

a receiving side control unit operable to control said receiving side input unit and said receiving side recording unit (see Majima; fig. 1, item 3; *column 5, lines 55-66*),

wherein said content-transmitting apparatus is operable to transmit reproduction control information to said content-receiving apparatus (see Majima; *fig. 1, 19, and 39*)

wherein the reproduction control information includes reproduction control information regarding a content that has been transmitted to the content-receiving apparatus before transmission time of the reproduction control information (see Majima; *column 3, lines 33-50; sending only the time information the second time around means omitting transmission of the content while transmitting the reproduction data*),

wherein, when the content has been recorded by said receiving side recording unit before the transmission time of the reproduction control information, said receiving side control unit is operable to reproduce, according to the reproduction control information, at least one of the content recorded by said receiving side recording unit and a processed content of the content recorded by said receiving side recording

unit (see Majima; *fig. 19, buffers 3a, and 7-10; and reproduction sections 11-14; column 5, lines 55-67, continue in column 6, lines 1-29)*, and

wherein, when the content is attached to the reproduction control information received by said receiving side control unit, said receiving side control unit is operable to reproduce, according to the reproduction control information, at least one of the content that is attached to the reproduction control information and is recorded by said receiving side recording unit and a processed content of the content that is attached to the reproduction control information and is recorded by said receiving side recording unit (see Majima; *fig. 19, buffers 3a, and 7-10; and reproduction sections 11-14; column 5, lines 55-67, continue in column 6, lines 1-29)*.

17. A content-transmitting method for transmitting a content to a content-receiving apparatus via a network (see Majima; *see fig. 1, item 1a; fig. 11*, fig. 19, and fig. 39), the content-transmitting method comprising:

storing, on a non-volatile recording; medium, data related to the content. ID information related to the content, information indicating a position of the data stored on said non-volatile recording medium, and reproduction control information related to the content;

transmitting ~~reproduction control information~~ the data related to the content, the ID information related to the content, and the reproduction control information related to the

content to the content-receiving apparatus (see Sakuramoto; par. 0034, 0134, and 0184);

wherein the reproduction control information includes reproduction control information regarding a content that has been transmitted to the content-receiving apparatus before transmission time of the reproduction control information (see Majima; *column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information*);

omitting transmission of a content that has been previously transmitted to the content-receiving apparatus before the transmission ~~time~~ of the reproduction control information (see Majima; *column 3, lines 33-50; sending only the time information the second time around means omitting transmission of the content while transmitting the reproduction data*); and

transmitting the reproduction control information regarding the content that has been previously transmitted (see Majima; *column 3, lines 33-50; the time information of the second data is related to the first data as the second data is a repetition of the first*).

18. A content-receiving method for receiving a content via a network (see Majima; *fig 1, 19, and 39*), comprising:

receiving data related to the content, ID information related to the content, and reproduction control information related to the content; and ~~the content and reproduction control information regarding the content;~~

storing, on a non-volatile recording medium, data related to the content, ID information related to the content, information indicating a position of the data stored on said non-volatile recording medium, and reproduction control information related to the content (see Sakuramoto; par. 0034, 0134, and 0184),

wherein the reproduction control information includes reproduction control information regarding a content that has been received before transmission time of the reproduction control information (see Majima; *column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information*), and

~~wherein~~ at least one of the content and a processed content of the content is reproduced according to the reproduction control information (see Majima; *column 3, lines 33-50; fig. 24a-b; fig. 7).*

19. A content-receiving method as recited in claim 17, wherein the method further comprises recording the received content,

reproducing at least one of the content and a processed content of the content when the content has been recorded before the transmission ~~time~~ of the reproduction control information, and when the content is attached to the reproduction control information, reproducing at least one of the content attached to the reproduction control information and a processed content of the attached content (see Majima; *column 3, lines 33-50*).

20. A recording medium having recorded therein a content-transmitting program for transmitting a content to a content-receiving apparatus via a network (see Majima; *fig. 1 and 19, item 3a*), the content-transmitting program comprising:

a program portion operable to store, on a non-volatile recording medium, data related to the content, lid information related to the content, information indicating a position of the data stored on said non-volatile recording medium, and reproduction control information related to the content, a program portion operable to transmit ~~reproduction control information~~ the data related to the content, the ID information related to the content, and the reproduction information related to the content to the content-receiving apparatus (see Sakuramoto; par. 0034, 0134, and 0184),

a program portion operable to transmit reproduction control information to the content-receiving apparatus (see Majima; column 8, lines 1-40; *column 11, lines 56-63; the transmitting side server is operable for content-controlled transmission via the Internet network)*,

wherein the reproduction control information includes reproduction control information regarding a content that has been transmitted to the content-receiving apparatus before transmission time of the reproduction control information (see Majima; (see Majima; *column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information*), and

a program portion operable to omit transmission of a content that has been previously transmitted to the content-receiving apparatus before the transmission time of the reproduction control information, and to transmit the reproduction control information regarding the content that has been previously transmitted (see Majima; *column 3, lines 33-50; sending only the time information the second time around means omitting transmission of the content while transmitting the reproduction data*).

21. A recording medium having recorded therein a content-receiving program for

receiving a content via a network (see Majima; *fig. 1 and 19, item 3a; fig. 39*), the content-receiving program comprising:

a program portion operable to receive the ~~content and reproduction control information regarding the content~~ data related to the content, ID information related to the content, and reproduction information related to the content (see Sakuramoto; par. 0034, 0134, and 0184); and

wherein the reproduction control information includes reproduction control information regarding a content that has been received before transmission time of the reproduction control information (see Majima; *column 3, lines 33-50; it is important to note Majima first stores the initially transmitted data in memory at the receiving side [that takes place before transmission time], and when data is repetitively reproduced [that is data that has been previously transmitted to the content-receiving apparatus], only the time information of the second data concerning reproduction is transmitted. Time information here represents the reproduction control information*), ~~and~~

a program portion operable to store, on a non-volatile recording medium, data related to the content, ID information related to the content, information indicating a position of the data stored on said non-volatile recording medium, and reproduction control information related to the content, (see Sakuramoto; par. 0034, 0134, and 0184) and

a program portion operable to reproduce at least one of the content and a processed content of the content according to the reproduction control information (see Majima; column 8, lines 1-40; *column 11, lines 56-63)*.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

January 16, 2008

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER